

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GIOVANNA WESTWOOD,
 Plaintiff,

vs.

JP MORGAN CHASE BANK, N.A.,
 Defendant.

Case No. 2:16-cv-02409-RFB-GWF

ORDER

This matter is before the Court on Defendant's Motion to Strike Response (ECF No. 10), filed on January 25, 2017.

Plaintiff filed her Complaint (ECF No. 3) on December 19, 2016. Defendant filed its Answer (ECF No. 7) on January 10, 2017. Plaintiff filed her Response to Answer (ECF No. 9) on January 19, 2017. Defendant requests that the Court strike Plaintiff Response to Defendant's Answer (ECF No. 9) because it is not a pleading pursuant to Rule 7 and as redundant, immaterial, and impertinent pursuant Rule 12(f) of the Federal Rules of Civil Procedure.

Under Rule 12(f), the Court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f). The essential function of a Rule 12(f) motion is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to trial. *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th cir. 1993), *rev'd on other grounds*, 510 U.S. 517, 114 S. Ct. 1023. LR 7-2(g) states that "[a] party may not file supplemental pleadings, briefs, authorities, or evidence without leave of court granted for good cause. The judge may strike supplemental filings made without leave of court."

In addition, Local Rule 7-2(d) provides that "The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion."

1 Plaintiff did not file points and authorities in response to Defendant's instant motion to strike.
2 Therefore, Plaintiff is considered to have consented to the granting of Defendant's motion under LR
3 7-2(d). Accordingly,

4 **IT IS HEREBY ORDERED** Defendant's Motion to Strike Response (ECF No. 10) is
5 **granted.** The Clerk of Court shall strike Plaintiff's Response to Answer (ECF No. 9) from the
6 docket.

7 DATED this 14th day of February, 2017.

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10 GEORGE FOLEY, JR.
11 United States Magistrate Judge
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